

16711 U.S. PTO
09/12/03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| DOCKET NUMBER | ANTICIPATED CLASSIFICATION OF THIS APPLICATION: | | PRIOR APPLICATION | |
|---------------|---|----------|-------------------|----------|
| | CLASS | SUBCLASS | EXAMINER | ART UNIT |
| 12008.32USC6 | 029 | 831000 | NGUYEN, DONGHAID | 3729 |

CERTIFICATE UNDER 37 CFR 1.10:

"Express Mail" mailing label number: EV347831335US
Date of Deposit: September 12, 2003

I hereby certify that this paper or fee is being deposited with the U.S. Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

By: *Teresa Anderson*
Name: Teresa Anderson

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CONTINUATION APPLICATION UNDER 37 C.F.R. § 1.53(b)

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is a request for filing a continuation application under 37 CFR § 1.53(b) of Serial No. 09/594,285, filed on June 15, 2000 entitled METHOD OF MANUFACTURING SMALL VOLUME IN VITRO ANALYTE SENSOR by the following inventor(s):

| | | | |
|-------------------------|--|-------------------------------------|--|
| Full Name Of Inventor | Family Name FELDMAN | First Given Name BENJAMIN | Second Given Name J. |
| Residence & Citizenship | City OAKLAND | State or Foreign Country CALIFORNIA | Country of Citizenship USA |
| Post Office Address | Post Office Address 5830 COLBY STREET | City OAKLAND | State & Zip Code/Country CALIFORNIA 94618/USA |
| Full Name Of Inventor | Family Name HELLER | First Given Name ADAM | Second Given Name |
| Residence & Citizenship | City AUSTIN | State or Foreign Country TEXAS | Country of Citizenship USA |
| Post Office Address | Post Office Address 5317 VALBURN CIRCLE | City AUSTIN | State & Zip Code/Country TEXAS 78731/USA |
| Full Name Of Inventor | Family Name HELLER | First Given Name EPHRAIM | Second Given Name |
| Residence & Citizenship | City OAKLAND | State or Foreign Country CALIFORNIA | Country of Citizenship USA |
| Post Office Address | Post Office Address 44 STARK KNOLL PLACE | City OAKLAND | State & Zip Code/Country CALIFORNIA 94618/USA |
| Full Name Of Inventor | Family Name MAO | First Given Name FEI | Second Given Name |
| Residence & Citizenship | City FREMONT | State or Foreign Country CALIFORNIA | Country of Citizenship PEOPLES REPUBLIC OF CHINA |
| Post Office Address | Post Office Address 3805 VILLAGE TERRACE, APARTMENT #2 | City FREMONT | State & Zip Code/Country CALIFORNIA 94536/USA |

| | | | |
|----------------------------|--|--|--|
| Full Name Of Inventor | Family Name VIVOLO | First Given Name JOSEPH | Second Given Name A. |
| Residence & Citizenship | City SAN FRANCISCO | State or Foreign Country CALIFORNIA | Country of Citizenship USA |
| Post Office Address | Post Office Address 1548 HAIGHT STREET | City SAN FRANCISCO | State & Zip Code/Country CALIFORNIA 94117/USA |
| Full Name Of Inventor | Family Name FUNDERBURK | First Given Name JEFFERY | Second Given Name V. |
| Residence & Citizenship | City FREMONT | State or Foreign Country CALIFORNIA | Country of Citizenship USA |
| Post Office Address | Post Office Address 37670 CARRIAGE CIRCLE COMMON | City FREMONT | State & Zip Code/Country CALIFORNIA 94536/USA |
| Full Name Of Inventor | Family Name COLMAN | First Given Name FREDRIC | Second Given Name C. |
| Residence & Citizenship | City OAKLAND | State or Foreign Country CALIFORNIA | Country of Citizenship USA |
| Post Office Address | Post Office Address 13864 CAMPUS DRIVE | City OAKLAND | State & Zip Code/Country CALIFORNIA 94605/USA |
| Full Name Of Inventor | Family Name KRISHNAN | First Given Name RAJESH | Second Given Name |
| Residence & Citizenship | City FREMONT | State or Foreign Country CALIFORNIA | Country of Citizenship INDIA |
| Post Office Address | Post Office Address 4211 CENTRAL AVENUE, APARTMENT #1 | City FREMONT | State & Zip Code/Country CALIFORNIA 94536/USA |

1. Enclosed is the application; including the specification, claims, drawings, a signed oath or declaration from the prior application. The continuing application is as follows: 98 pages of specification, 17 claims, 1 page of abstract, 28 sheets of drawings, and 5 pages of oath or declaration.

 The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

2. Cancel original claims of this application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)

3. The filing fee is calculated below:

CLAIMS AS FILED

| NUMBER FILED | NUMBER EXTRA | | RATE | FEE |
|--------------------------------|--------------|---|--------------------------|----------|
| TOTAL CLAIMS: 17 | -20 | 0 | x \$18.00 | 0.00 |
| INDEPENDENT CLAIMS 2 | -3 | 0 | x \$84.00 | 0.00 |
| | | | BASIC FILING FEE: | \$740.00 |
| | | | TOTAL FILING FEE: | \$740.00 |
| | | | | |

- Small entity status is claimed pursuant to 37 CFR 1.27.
4. Payment of fees:
 Attached is a check in the amount of 740.00
 Please charge Deposit Account No. 13-2725.
5. The Commissioner is hereby authorized to charge any additional fees as set forth in 37 CFR §§ 1.16 to 1.18 which may be required by this paper or credit any overpayment to Account No. 13-2725.
6. Amend the specification by inserting before the first line the sentence:
7. A set of formal drawings (28 sheets) is enclosed.
8. Priority of application Serial No. , filed on in , is claimed under 35 U.S.C. 119.
 The certified copy has been filed in prior application Serial No. , filed .
9. The prior application is assigned of record to TheraSense, Inc. located at Alameda, California.
10. The Power of Attorney in the prior application is to:
- Merchant & Gould P.C.
Minneapolis, MN 55402-2215
11. A preliminary amendment is enclosed. (Claims added by this amendment have been properly numbered consecutively beginning with the number next following the highest numbered original claim in the prior application.)
 Fee for excess claims is attached.
12. A petition and fee has been filed to extend the term in the prior application until . A copy of the petition for extension of time in the prior application is attached.
13. The inventor(s) in this application are less than those named in the prior application and it is requested that the following inventors identified above for the prior application be deleted:
14. A Nonpublication Request under 37 CFR 1.213(a) is enclosed.
15. Also Enclosed:
16. Address all future communications to the **Attention of Mara E. Liepa** (may only be completed by attorney or agent of record) at the address below.

17. A return postcard is enclosed.

Respectfully submitted,

MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis, MN 55402-0903
612.332.5300



Date: 12 Sept 2003

Mara E. Liepa
Mara E. Liepa
Reg. No. 40,066
MELIEPA:rlr